

AMENDMENTS TO THE DRAWINGS:

The attached two (2) sheets of drawing include changes to Fig. 1 and Fig. 2. The first Replacement Sheet depicts Fig. 1, which has been amended to include additional reference characters to further clarify the disclosure. Fig. 1 also has been amended to include an arrow depicting the connecting discharge 4 opening downward from housing 2, in agreement with the specification at page 2.

The second Replacement Sheet depicts Fig. 2, which has been amended to further clarify that projections 15 include edges 15a, defined by side planar surfaces 15b and an upper planar surface 15c. Fig. 2 has also been amended to further clarify that baffles 11 include edges 11a, defined by side planar surfaces 11b and an upper planar surface 11c.

Attachments: Two (2) Replacement Sheets depicting Fig. 1 and Fig. 2.

REMARKS

Applicant submits this Reply to the Office Action mailed September 9, 2008. By this Reply, Applicant has amend claims 11, 16, 17, 21, 22, and 24, and added new claims 26-32. Applicant has also amended the specification and the drawings. Accordingly, claims 11, 13, and 15-32, of which claims 11, 16, 17, 24, and 30 are independent, are pending in this application. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 11, 16, 17, 21, 22, and 24, new claims 26-32, amendments to the specification, and amendments to the drawings. Thus, this Reply introduces no new matter.

OBJECTIONS TO THE SPECIFICATION

The Office Action noted that the last paragraph on page two of the specification, bridging pages two and three, includes reference numerals that do not coincide with the numerals found in the figures. Office Action at 2. Applicant has amended the specification to clarify that the seeded corn grains leave the processing zone 6 via an adjustable discharge opening 8. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

In the Office Action, claims 11, 13, and 15-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action stated that "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention" allegedly because "[t]here is no mention of 'edged' projections in the original disclosure." Office Action at page 2. This is not correct. An ordinarily skilled artisan in the relevant art would readily appreciate that the disclosure includes "edged" projections.

For example, the specification states that an "object of the invention comprises creating a device for husking and seeding corn grains." Specification at page 2. The specification describes the device as having "a processing zone with adaptable baffles and a rotor with projections over the length of the processing zone and air slots." *Id.* Fig. 2 illustrates a cross-section of the processing zone (6) and shows baffles (11) and projections (15). Fig. 2 depicts the projections as "edged." That is, the projections are shown to have edges defined by planar surfaces, as opposed to curved surfaces. An ordinarily skilled artisan in this art considering the original specification, including the drawings, would readily appreciate the "edged projection" feature, a feature necessary for the intended application of the claimed invention: "seeding" (i.e. degerming) grains. The process for seeding grains requires application of high impact force and one of ordinary skill in the art would understand from the present disclosure that the projections depicted in Fig. 2 are edged to produce high impact forces suitable for seeding grains. In other words, the upper surface of the claimed "edged projections" is planar, rather than curved as in the prior art, to maximize impact on the grains to be seeded.

Applicant has amended the drawing to provide a better description of the claimed invention. Specifically, reference numerals have been added to Fig. 2 to show that projections 15 include edges 15a, defined by side planar surfaces 15c and an upper planar surface 15b. Fig. 2 also has been amended to show that baffles 11 include

edges 11a, defined by side planar surfaces 11c and an upper planar surface 11b. As depicted in Fig. 2, the baffles extend into the processing zone and impact the grains to be seeded as a result of motion imparted to the grains by the rotor projections, as one skilled in the art would understand. Accordingly, Applicant respectfully requests withdrawal of the Section 112, first paragraph (written description), rejection.

REJECTION UNDER 35 U.S.C. § 102(b)

Also in the Office Action, claims 17-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,583,455 to Salete-Garces ("Salete-Garces"). Applicant respectfully traverses the rejection because Salete-Garces does not disclose each and every element of claims 17-25 and thus cannot anticipate the claims.

To anticipate a claim, the applied reference must disclose each and every element of the claim. M.P.E.P. § 2131. Applicant submits that Salete-Garces fails to do so. For example, the method of independent claim 11 recites, among other elements, "seeding the grains immediately thereafter in a processing zone between baffles of a stator and a roller, the roller having a plurality of edged outward projections that include edges defined by planar surfaces." Also, the apparatus of independent claim 17 recites, among other features, "wherein the rotor includes a hollow shaft enclosed in a region of the processing zone by a roller and wherein the roller has a plurality of edged projections that elongate parallel to an axis of rotation of the rotor and that include edges defined by planar surfaces." Likewise, the apparatus of independent claim 24 recites, among other things, "a roller disposed radially outward from the shaft and including a plurality of edged projections that elongate parallel to the axis of rotation of

the rotor and that include edges defined by planar surfaces, the roller further including a plurality of assigned openings.”

Salete-Garces discloses “a screen and rotor assembly for a grain husking, decorticiating, polishing and whitening machine.” Salete-Garces, Abstract. Salete-Garces further discloses that

[b]etween each pair of channel members 32, which together with the ring segments 31 form the screen holder 12, a particularly designed abrading screen 10 is incorporated, comprising a plurality of screen members 13 and a corresponding plurality of abrading members 14, alternated to each other and provided in any desired number

Salete-Garces, col. 8, l. 65 - col. 9, l. 3 (emphasis added). See also Salete-Garces, Fig. 9. Abrading members 14 disclosed by Salete-Garces, however, are not a part of the rotor and therefore cannot anticipate independent claims 17 and 24, which recite “edged projections” as part of the rotor.

Salete-Garces further states that:

The rotor of the screen and rotor assembly of the present invention comprises a hollow cylinder 11 having a hollow space 20 for the conduction of air ... said hollow cylinder 11 having at least a diametrically opposite pair of arrays of bores 21, also for the conduction of air from the hollow space 20 into the treating chamber 9, and said hollow rotor is provided with at least one pair of grooves 51 and 52, wherein suitable rotating abrading inserts are accommodated.... The inserts 91 (FIG. 6) are introduced within each one of the grooves 51 and 52.

Salete-Garces, col. 9, ll. 50-61 (emphasis added). That is, Salete-Garces discloses abrading inserts (91) as part of the rotor, which inserts (91), however, include a curved upper surface. See Salete-Garces, Fig. 9. In contrast, the claimed invention recites “edged projections that include edges defined by planar surfaces.” In other words,

whereas independent claims 17 and 24 recite “edged projections that include edges defined by planar surfaces,” for seeding grains like corn, Salete-Garces discloses abrading inserts (91) capable of husking, polishing and whitening rice. Salete-Garces does not disclose or even suggest “edged projections that include edges defined by planar surfaces” because, unlike independent claims 17 and 24, Salete-Garces is not directed to seeding grain. Instead, Salete-Garces discloses husking, polishing and whitening rice, processes that require tools having features that are intended to abrade and interact only with the surface of the grain while leaving the grain essentially whole, and that are incompatible with members for seeding grain such as “edged projections that include edges defined by planar surfaces.”

The Office Action “note[s] that [Salete-Garces has] an abrasive member [that] possess[es] projections with edges.” Office Action at 2. Nevertheless, as noted above, unlike the claimed invention, abrading members (14) disclosed in Salete-Garces are not part of the rotor and also are recessed and are not “projections.” In addition, abrading insert (91) has a curved upper surface and does not constitute the recited “edged projections that include edges defined by planar surfaces.” While the claimed invention is directed to a process for seeding (i.e. degerming) grains, Salete-Garces is directed to a process for polishing grain.

The particular grain of interest in Salete-Garces is rice, and an ordinarily skilled artisan would readily appreciate that rice is not degermed. Degerming is a process whereby the germ is removed from the grain by the application of high impact forces. Degermination is particularly applicable to corn grains, where the germ has useful applications, such as for cereals or cosmetics. Rice grains, on other hand, are not

degermed. Instead, rice grains are polished for cleanliness and to enhance their whiteness. As described by Salete-Garces, polishing utilizes a process that requires rubbing the grain. For example, Salete-Garces states that “the rotating abrading inserts 91 and the fixed abrading members 14 [are] arranged at a suitable distance in order to obtain an energetic abrasion and rubbing of the grains which are introduced into the treating chamber 9 of the screen and rotor assembly of the present invention.” Salete-Garces, col. 10, ll. 3-8. Indeed, one of ordinary skill understands that degermed grains are not thereafter polished, and degerming grains after polishing would render the polished grains unsuitable for their intended purpose. Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of claim 17 and its dependent claims 18-23 and claim 24 and its dependent claim 25.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Still further in the Office Action, claims 11, 13, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,953,165 to Griebat et al. (“Griebat”) in view of Salete-Garces. Applicant respectfully traverses the rejection because no *prima facie* case of obviousness has been established. Applicant notes that to establish a *prima facie* case of obviousness, even though “the prior art reference (or references when combined) need not teach or suggest all the claim limitations,” the Examiner must still consider all of the words in a claim. MPEP § 2143.03. This rejection does not consider each of the elements of independent claims 11 and 16.

For example, the rejection does not consider “seeding the grains immediately thereafter in a processing zone between baffles of a stator and a roller, the roller having

a plurality of edged outward projections that include edges defined by planar surfaces,” as recited in claim 11. Likewise, the rejection fails to consider the limitation in claim 16 of “seeding the grains immediately thereafter in a processing zone between baffles of a stator and a roller, the roller having a plurality of edged outward projections that include edges defined by planar surfaces.”

The Office Action admits that Griebat “does not use a rotor/stator combination having projections....” Office Action at 3. As fully developed above in connection with the Section 102(b) rejection, Salete-Garces fails to disclose or even suggest the above recitations of independent claims 11 and 16. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 11 and 16 together with dependent claims 11, 13, and 15.

NEW CLAIMS 26-32

Applicant has added new claims 26-32, of which claim 30 is an independent claim. The prior art of record neither anticipates nor renders the new claims obvious. For example, each of claims 26, 28, and 29 includes the limitation, “the baffles extend radially inward into the processing zone.” The baffles extend radially inwards so that their edges impact the moving grain to help seed the grain. In contrast, Salete-Garces shows that abrading members 14 are largely recessed within channels 32 which would hinder the edges from impacting the rice grains. See, e.g., Salete-Garces, Fig. 2 and Fig. 6. Salete-Garces states, for example, that “abrading members 14 having the slant face 111 ... wherein the direction of rotation of the rotor 11 is clockwise and the protruding end of the abrading elements 14 is rearwards of the rotation movement of the rotor 11.” Salete-Garces, col. 12, ll. 12-17. Hence, the edges of the protruding ends of

abrading members 14 would not be impact points for grains having a clockwise-induced motion due to the rotor in Salete Garces. Salete Garces thus teaches away from edge impact. Moreover, the Office Action admits that Griebat "does not use a rotor/stator combination having projections...." Office Action at 3.

Accordingly, the cited references fail to disclose or suggest new claims 26, 28, 29, and 30-32. Claims 26, 28, and 29 depend from claims 24, 17, and 11 respectively and are also allowable for at least the same reasons that claims 24, 17, and 11 are allowable. New claim 27 depends from claim 24 and is allowable for at least the same reasons that claim 24 is allowable.

Independent claim 30 further includes the limitation, "a roller rotatable with the shaft disposed radially outward from the shaft and including a plurality of edged projections that extend radially outward from the roller and elongate parallel to the axis of rotation of the rotor; a stator having a plurality of strainers and edged baffles encircling the rotor in the axial direction, the baffles extending radially inward from the strainers." As shown in Fig. 2, one skilled in the art would understand that both the edged projections and the edged baffles extend into the processing zone and impact the grains to be seeded. As noted above, Salete Garces teaches away from edge impact. For example, Salete-Garces shows that abrading members 14 are largely recessed within channels 32 which would hinder the edges from impacting the rice grains. See, e.g., Salete-Garces, Fig. 2 and Fig. 6. Moreover, the edges of the protruding ends of abrading members 14 would not be impact points for grain having a clockwise induced motion due to the rotor in Salete Garces. See Salete-Garces, col. 12, ll. 12-17. Additionally, the Office Action admits that Griebat "does not use a

rotor/stator combination having projections....” Office Action at 3. Claim 30 is therefore allowable over the cited references for at least this reason.

Dependent claims 31 and 32 are also allowable over the prior art of record. For example, the prior art of record fails to disclose “an adjustable storage device for developing a specific processing pressure in the processing zone,” as recited in claim 31. Claim 32 states that “the edged baffles and edged projections are configured to seed corn grains.” In contrast, the prior art of record, for example, Saleté Garces, discloses an apparatus for polishing rice. Accordingly, for at least these reasons, claims 31 and 32 are allowable over the prior art of record. Claims 31 and 32 are also allowable for at least the same reasons that claim 30 is allowable.

In view of the foregoing remarks, Applicant submits that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests withdrawal of the rejections and timely allowance of all pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

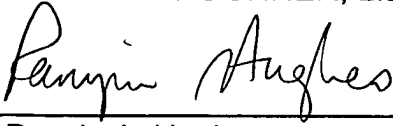
In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 6, 2009

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Attachments: Two (2) Replacement Sheet depicting Fig. 1 and Fig. 2.